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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/541,614  | 04/03/2000  | Ristuo Kashiyama     | 35.G2565            | 4869             |
| 5514  | 7590        | 04/12/2006           | EXAMINER            |                  |
| FITZPATRICK CELLA HARPER & SCINTO<br>30 ROCKEFELLER PLAZA<br>NEW YORK, NY 10112 |             |                      | YODER III, CRISS S  |                  |
|   |             | ART UNIT             | PAPER NUMBER        |                  |
|   |             | 2622                 |                     |                  |

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                      |                   |  |
|------------------------------|----------------------|-------------------|--|
| <b>Office Action Summary</b> | Application No.      | Applicant(s)      |  |
|                              | 09/541,614           | KASHIYAMA, RISTUO |  |
|                              | Examiner             | Art Unit          |  |
|                              | Chriss S. Yoder, III | 2622              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 24 March 2006.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1,3,20 and 21 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 20 is/are allowed.

6) Claim(s) 1,3, and 21 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 03 April 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments filed March 24, 2006 have been fully considered but they are not persuasive.

Applicant argues, with respect to claim 1, that Toshinobu fails to disclose or suggest changing the reading processing control comprises changing the condition. However, the Examiner points out that Toshinobu does disclose changing the condition in column 12, lines 30-52 (the threshold value stored in the maximum value memory is considered to be the condition that is changed).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Toshinobu et al. (US Patent # 5,361,095).
2. In regard to claim 1, note Toshinobu discloses a focusing apparatus executing a focusing calculation according to an image signal from a sensor comprising a plurality of sensor blocks, each sensor block accumulating image signal components (column 9, lines 31-36, column 9, line 65-column 10, line 5 and figure 6; areas A and B of the image sensor are used to perform focusing), a control circuit for controlling an operation

for accumulating image signal components in a sensor block of the plurality of sensor blocks (column 9, lines 31-36, the image is accumulated and used to perform focusing), a reading processing circuit for performing a reading processing control for the sensor block (column 10, lines 25-67, areas A and B are read to output focus evaluating values), a changing circuit for changing the reading processing control based on a result of determination of an accumulation condition for the sensor block (column 12, lines 30-52), wherein, for each sensor block of the plurality of sensor blocks, every time the operation for accumulating image signal components in the sensor block is finished, said reading processing circuit performs the reading processing control and, if necessary, said changing circuit changes the reading processing control (column 10, lines 25-67, areas A and B are read after accumulation in order to output focus evaluating values; and column 12, lines 30-52, if necessary, the reading processing control is changed), wherein the reading processing control comprises determining whether or not to read an image signal from the sensor block in accordance with a condition (column 12, lines 30-52, based on the comparison of the focus evaluating values, a sensor block is selected), and wherein changing the reading processing control comprises changing the condition (column 12, lines 30-52, the threshold value stored in the maximum value memory is considered to be the condition that is changed).

3. In regard to claim 3, note Toshinobu discloses that the sensor block comprises a plurality of cell units (figure 6, pixels), and that a first set of the plurality of cell units of the sensor block output a signal indicating the luminance or contrast signal received by the sensor block (column 13, lines 20-23).

4. In regard to claim 21, note Toshinobu discloses that the condition is a threshold condition (column 12, lines 30-52, the threshold value stored in the maximum value memory is considered to be the condition that is changed).

***Allowable Subject Matter***

Claim 20 is allowed.

The following is a statement of reasons for the indication of allowable subject matter:

As for claim 20, the prior art does not teach or fairly suggest the use of a focusing apparatus for executing a focusing calculation according to an image signal from a plurality of sensor blocks, wherein a control circuit for controlling accumulation of the image signal in a sensor block is controlled by a reading processing circuit based on a result of determination of an accumulation condition (threshold) that can be changed in accordance with a P-B signal, wherein, the reading is performed if the P-B signal is greater than or equal to a threshold and not performed if the P-B signal is less than the threshold.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2622

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (571) 272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY  
April 5, 2006



LIN YE  
PRIMARY EXAMINER